

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BRANDON JENNINGS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:19CV1133
	)	
CAROL SCRIBNER DARROW, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before this court for review of the Order and Recommendation filed on January 23, 2020, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 15.) In the Recommendation, the Magistrate Judge recommends that this action be dismissed without prejudice to Plaintiff filing a new complaint, on the proper 42 U.S.C. § 1983 forms. The Recommendation was served on the parties to this action on January 23, 2020. (Doc. 16.) Plaintiff filed objections, (Doc. 17), within the time limit prescribed by Section 636.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations

made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 15), is **ADOPTED. IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Plaintiff filing a new complaint, on the proper § 1983 forms, correcting the defects set out in the Order and Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 23rd day of April, 2020.

  
United States District Judge